



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 13, 1996

Mr. Ron. M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-2088

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102615.

The Texas Department of Public Safety (the "department") received an open records request for the results of laboratory tests taken in connection with a particular homicide. You seek to withhold the requested information pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue clearly come within the purview of section 552.108, we conclude that the department may withhold the information at issue under this section.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

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<sup>1</sup>Because we resolve your request under section 552.108, we need not address the applicability of section 552.103.

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy".

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RWP/ch

Ref.: ID# 102615

Enclosures: Submitted documents

cc: Mr. Robert W. Nix  
P.O. Box 617  
Robert Lee, Texas 76945  
(w/o enclosures)